



## Quick Guide Rent and Service Charge Strikes

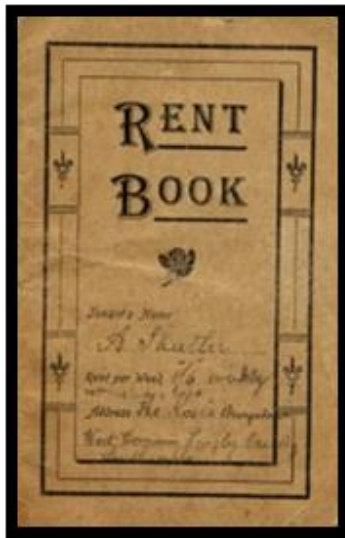
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Withholding rent can be considered a breach of your tenancy or lease agreement if you are a leaseholder. This could have considerable **legal and personal consequences**. We do not advise ever taking this step without getting legal advice from a fully qualified practitioner with expertise in this area of the law.

### Introduction

Organised rent strikes are a powerful tactic, but given the scale of the housing crisis, it is one that is under-used as a form of resistance against unaffordable rent rises. Landlords have always exploited the need for a home, and use the threat of eviction to profiteer during periods of housing shortage.

### Power to the Tenants



Rent strikes have a long tradition. For example, a rent strikes in 1891 helped win the Dockers' Strike in London's East End as part of a wider movement of civil unrest.

Probably the most famous rent strike was initiated by women in the Clyde area of Glasgow during a housing shortage at the start of World War I. Landlords lost no time in racking up rents, but women who had been brought together in large numbers to work in munitions factories, organised strike committees and coordinated action involving around 20,000 tenants.

The strike was powerful enough to force then Prime Minister Lloyd-George to introduce legislation which returned rents to pre-war levels, as well changing the law on eviction. It has been used periodically across the country since this time and almost always with success.

### One Housing Group

In 2016 we also saw the first use of this threat within a housing association, when One Housing Group threatened to raise keyworker rents in Newham by up to 40%. The Tenants



## Quick Guide Rent and Service Charge Strikes

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Association quickly organised a campaign and threatened OHG with a rent strike. This forced a massive retreat by the association, with rents even being reduced in some cases.

### The Law

The failure to pay rent and/or service charges is a breach of contract, whether tenancy agreement or lease. This means the landlord could legally seek repossession and recovery of the monies owed, as well as compensation for their legal costs.

The legal route would most likely be Ground 8 of the Housing Act 1988, Schedule 2. This is a mandatory ground, which means that the court must grant the possession order if the landlord can prove:

- if rent is payable weekly or fortnightly, at least eight weeks' rent is unpaid;
- if rent is payable monthly, at least (or two months') rent is unpaid;
- if rent is payable quarterly, at least one quarter's rent is more than three months in arrears;
- if rent is payable yearly, at least three months' rent is more than three months in arrears;

The penalty could therefore be eviction, recovery of the amount overdue, a charge to cover the landlord's legal costs, and possibly loss of equity for leaseholders, depending on the details of the lease agreement.

To mitigate these risks, it is worth considering whether the landlord has also breached the tenancy agreement. If so, it could give the group grounds to bring counter claims with the help of a lawyer. This would also increase the time, effort and cost to the association.



Another way to mitigate this risk would be to keep topping up the service charge payments so that the deficit is maintained at a maximum of seven weeks, and below the threshold for Ground 8.

The strongest protection against legal action however comes through collectivising and publicising the strike.

### Collectivising



## Quick Guide Rent and Service Charge Strikes

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As with any strike, the larger the collective, the less risk there is for any individual. Landlords would need to invest time and money in taking tenants to court, so the more tenants and residents are involved, the more the cost racks up.

But the real power of a rent or service charge strike lies in the bad publicity it generates, and consequent reputational damage.

### Generating Publicity

Demands can't be won without a wider campaign. Publicity and media coverage is an essential companion. Some activity will be aimed at building a network of support, and some will be aimed at the landlord's reputation.

Damaging the landlord's reputation is particularly important as housing associations trade on their philanthropic image.



The lists below provide some of the basic building blocks, but SHAC is also able to offer more specific advice and support to any group deciding on a rent or service charge strike.

- **Organisation**

- A rent strike committee to lead the campaign.
- Agree your set of demands and how much rent will be withheld – all or part?
- A rent account for the withheld rent money
- A separate account for the campaign budget
- A database for participants and also a wider supporters' network

- **Develop materials**

- A logo and slogan
- A banner, flags, T Shirts, wristbands, etc
- A general flyer setting out the background and aim of the strike
- A Facebook and Twitter account – essential to allow all to contribute



## Quick Guide Rent and Service Charge Strikes

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- **For the local community**

- Local canvassing in person
- Putting flyers through doors
- Window posters for participants to put up
- Meetings around local estates
- Stalls and leafletting at community events
- Local demonstrations and marches

- **For housing and other campaign bodies**

- Sending speakers to meetings and giving out publicity materials
- Model motions and speakers at trade union and trades councils meetings.
- Asking labour movement bodies such as trade unions, left-wing groups, and the TUC to post material on their website and circulate through their networks

- **For the wider public**

- Regular communication through the press
- Regular social media updates
- Stunts that will gain media attention

- **For decision-makers**

- Online petitions
- Lobbies of the local council or your HA
- Letter writing campaigns to councillors or HA board members
- Find out where HA board members work and lobby there

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